

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRIAN SCHRAM,	)	
	)	
Plaintiff,	)	4:16CV3071
	)	
v.	)	
	)	
LISA LAURELL, Social Worker,	)	<b>MEMORANDUM</b>
SHANNON BLACK, Program	)	<b>AND ORDER</b>
Director, and CINDY DYKEMAN,	)	
Program Manager,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, a civilly committed non-prisoner, was found financially eligible to proceed in forma pauperis in this case (Filing No. [5](#)), and the court subsequently analyzed Plaintiff's complaints under [28 U.S.C. § 1915\(e\)\(2\)](#).<sup>1</sup> However, the Judgment dismissing this case erroneously contained language applicable only to prisoners under the Prison Litigation Reform Act. Therefore, and pursuant to [Fed. R. Civ. P. 60\(a\)](#) (court may correct mistake in judgment on its own without notice), an Amended Judgment shall be entered, after which Plaintiff will have 30 days to file a notice of appeal. Accordingly,

IT IS ORDERED that an Amended Judgment shall be entered, after which Plaintiff has 30 days to file a notice of appeal.

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<sup>1</sup>The Eighth Circuit Court of Appeals has held that civilly committed individuals are not prisoners and are not subject to [28 U.S.C. § 1915\(a\)-\(b\)](#). [Kolocotronis v. Morgan](#), 247 F.3d 726, 728 (8th Cir. 2001); *see also* [Perkins v. Hedricks](#), 340 F.3d 582, 583 (8th Cir. 2003) (per curiam) ("Perkins appears to be civilly committed and is thus not a prisoner within the meaning of the PLRA."); [Pendleton v. Sanders](#), 565 F. App'x 584 (8th Cir. 2014) (a civilly committed plaintiff is not a "prisoner" under the PLRA) (unpublished).

DATED this 10th day of May, 2018.

BY THE COURT:

*s/ Richard G. Kopf*

Senior United States District Judge